IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH JAIPUR.

O R D E R

Keshorai Patan Cooperative Sugar Mills
Vs.
Municipal Council Keshoraipatan & anr.

S.B. CIVIL WRIT PETITION NO.1450/2000

Date of Order:- 9/4/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Manish Bhandari for the petitioner.
Shri S.K. Jindal for the respondents.

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This writ petition was filed way back in the year 2000 challenging the notice dated 18/3/2000 whereby crop of the sugarcane on the land which the petitioner claims to be their own was sought to be auctioned by the Municipal Council Keshoraipatan was sought to be extended.

Shri Manish Bhandari, learned counsel appearing for the petitioner submits that the petitioner is a cooperative society registered under the

Rajasthan Cooperative Societies Registration Act, 1965. 90% of its share holdings are owned by the Government and only remaining 10% of its share holdings are with the petitioner-firm. The dispute is with regard to the crop grown up by the petitioner on 50 bighas of land. It is submitted that a suit regarding that controversy is already pending adjudication before the court of S.D.O. Bundi where the petitioner has applied for correction in the revenue records regarding entries of revenue land in question. This land was allotted to the petitioner by the revenue department long back. Taking advantage of this situation about the entries having wrongly been made in the revenue records, the Municipal Council now seeking to occupy the land, which is in rightful possession of the petitioner.

Shri S.K. Jindal, learned counsel appearing for the respondents while opposing the writ petition argued that the controversy in this case is already

pending before the revenue court therefore, the petitioner should seek his remedy before the revenue court and this writ petition may therefore be dismissed being not maintainable.

Having heard learned counsel for the parties and perused the impugned-order, I find that the notice which is impugned in the present writ petition was relating to the auction of the crop of that year. The subsequent developments have not been placed on record. Shri S.K. Jindal has not chosen to file reply to the writ petition. The State has also not filed reply so as to bring on record the exact status of the petitioner.

The petitioner being a society owned by the Government and the land having been allotted by them, the inter-se contest between the petitioner and the Municipal Council Keshoraipatan cannot be appreciated. It is always appropriate that the dispute between the organs of the Government is settled at the level of the Government itself rather than invoking the

writ jurisdiction of this Court to get decided such dispute by the courts.

Instead of therefore directly entertaining this writ petition, I set the petitioner at liberty to make a detailed representation to the Principal Secretary, Department of Local Self Government, Government of Rajasthan, who shall after giving opportunity of hearing to the petitioner as well as Municipal Council Keshoraipatan shall determine the status of the petitioner in regard to the disputed land. The disposal of the representation shall be made as expeditiously as possible but in no case later than six months from the date such representation is filed before the said authority. Till such decision, the order of status-quo passed in this writ petition shall operate.

With these observations, the writ petition is disposed of.

(MOHAMMAD RAFIQ), J.

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